

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAUL MEOLA, et al.,

Plaintiffs,

v.

AXA FINANCIAL, INC., et al.,

Defendants

*AND RELATED CASES*

No. C 06-04291 JSW

**(Consolidated with 07-1858,  
07-2777, and 07-4368)**

**ORDER REQUIRING  
SUPPLEMENTAL BRIEFING ON  
MOTION FOR APPOINTMENT  
OF LEAD COUNSEL**

On October 5, 2007, Plaintiff Paul Meola filed a motion for the appointment of lead counsel in this case, and in the consolidated cases as set forth in the caption. That motion is set for hearing on November 30, 2007.

Pursuant to Federal Rule of Civil Procedure 23(g)(2), a “court may designate interim counsel to act on behalf of the putative class before determining whether to certify the action as a class action.” When appointing interim class counsel, a court must find that the applicant is adequate under Rule 23(g)(1)(B) and (C). Rule 23(g)(1)(B), in turn, requires that “[a]n attorney appointed to serve as class counsel must fairly and adequately represent the interests of the class.” Rule 23(g)(1)(C), requires that:

- (i) the court must consider:
  - the work counsel has done in identifying or investigating potential claims in the action,
  - counsel’s experience in handling class actions, other complex litigation, and claims of the type asserted in the action,
  - counsel’s knowledge of the applicable law, and
  - the resources counsel will commit to representing the class;
- (ii) may consider any other matter pertinent to counsel’s ability to fairly and adequately represent the interests of the class;

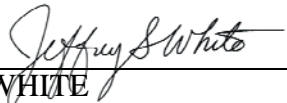
(iii) may direct potential class counsel to provide information on any subject pertinent to the appointment and to propose terms for attorney fees and nontaxable costs; and  
(iv) may make further orders in connection with the appointment.

Although Plaintiffs' motion addresses counsel's experience with class actions, including class actions involving the issues raised by this case, it does not fully address the factors this Court must consider under Rule 23(g)(1)(B)(I). In addition, the Court requests additional information from Plaintiffs about their experience with cases raising claims like those raised in this case. Therefore, Plaintiffs are **HEREBY ORDERED** to submit a supplemental brief that addresses these issues by no later than November 16, 2007.

The Court shall file this Order in each of the consolidated cases.

**IT IS SO ORDERED.**

Dated: November 7, 2007

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE